

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE NORTH EAST TEXAS
REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 12-05

WHEREAS, the North East Texas Regional Mobility Authority (“NET RMA”) was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Panola, Wood, Cass, Van Zandt, and Titus joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA identified the proposed Toll 49 project, including the East Texas Hourglass, (“Toll 49”) as its initial project in the petition filed under the RMA Rules; and

WHEREAS, the NET RMA is currently constructing Segment 3B of Toll 49 (the “Toll 49 Segment 3B Project”), a turnpike project, as defined in the RMA Act, in Smith County, Texas consisting of two lanes of an ultimate four lane road extending from SH 31 northerly to IH 20 for a distance of approximately 10.2 miles; and

WHEREAS, Section 370.163, Transportation Code grants the NET RMA the power and authority to acquire real property that the NET RMA determines is necessary or convenient for the construction, reconstruction, maintenance, expansion, or extension of a transportation project; and

WHEREAS, the NET RMA has identified certain property, identified as Parcel 164, of Fairway Ranches, Ltd., a Texas Limited Partnership, and Fair Investments, Ltd., a Texas Limited Partnership (“Owner”) as being necessary or convenient for the construction, operation, and maintenance of the Toll 49 Segment 3B Project; and

WHEREAS, Owner is willing to dedicate Parcel 164 to the NET RMA for the construction of the Toll 49 Segment 3B Project and other dedicated public service roads and/or rights-of-way in connection with the construction and operation of the Toll 49 Segment 3B Project; and

WHEREAS, the Board of Directors desires to accept such dedication on and subject to the terms and conditions set forth in the Agreement developed by NET RMA consultants and Owner, attached hereto as Attachment “A”.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby officially determines that the acquisition of Parcel 164 by the NET RMA is necessary or convenient for the construction, operation, and maintenance of the Toll 49 Segment 3B Project; and

BE IT FURTHER RESOLVED, that the NET RMA Board of Directors hereby approves the Agreement attached hereto as Attachment "A" for the donation of Parcel 164 to the NET RMA by Fairway Ranches, Ltd., a Texas Limited Partnership, and Fair Investments, Ltd., a Texas Limited Partnership; and

BE IT FURTHER RESOLVED, that the Project Director is authorized to execute the Agreement on behalf of the NET RMA.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 18th day of January, 2012.

Submitted and reviewed by:

Approved:



C. Brian Cassidy
General Counsel for the North East
Texas Regional Mobility Authority



Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 12-05
Date Passed: 01/18/12